

**THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF WEST VIRGINIA  
AT WHEELING**

**UNITED STATES OF AMERICA,**

v.

**CRIMINAL ACTION NO. 5:22CR13**

**DALLAS MICHAEL ACOFF,**

**Defendant.**

**MOTION FOR LEAVE TO WITHDRAW AND REQUEST APPOINTMENT  
OF SUCCESSOR COUNSEL**

Comes now undersigned counsel Brendan S. Leary, Assistant Federal Public Defender, previously appointed in the above-captioned case, moving the Court to withdraw and requesting the appointment of successor counsel. In support of this motion, undersigned counsel relies upon the following grounds:

1. The videotapes of the control buy that constitute the allegations set forth in Count one of the instant indictment allegedly show Mr. Acoff conspiring with a third party. This third party was the individual who coordinated the alleged controlled buy with the confidential informant in this case. The third-party who is involved in the controlled buy is a former client of undersigned counsel.
2. The parties have been involved in discussions with the hope that this matter would result in a pretrial resolution to the charges in this case. This pretrial resolution would have enabled undersigned counsel to avoid a conflict with the former client. Recently, these discussions have broken down and Mr. Acoff has expressed a desire to proceed to a jury trial in this matter. Undersigned counsel's representation of Mr. Acoff at trial would cause undersigned counsel to violate the West Virginia Rules of Professional Conduct, which have been adopted by this Court. (See W. Va. Rules Prof'l Cond. 1.7(a)).

3. Since Mr. Acoff has expressed a desire to go to trial, this situation creates an actual conflict of interest, and Mr. Acoff is entitled to successor counsel.

4. The government, represented by Assistant United States Attorney Shawn Adkins, indicated that it has no opposition to this motion.

WHEREFORE, based on the foregoing, the Court is respectfully requested to allow undersigned counsel to withdraw and appoint successor counsel for Mr. Acoff in this case.

Respectfully submitted,

DALLAS MICHAEL ACOFF

By: /s/ Brendan S. Leary  
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CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Shawn Adkins, Esq.  
Office of the United States Attorney  
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